

LAKE COUNTY PLANNING BOARD
January 13, 2016
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: John Fleming, Sigurd Jensen, Steve Rosso, Rick Cothorn, Bob Stone, Steve Shapero

STAFF PRESENT: LaDana Hintz, Lita Fonda, Wally Congdon

Steve Rosso called the meeting to order at 7:10 pm. Selection of 2016 officers commenced.

Motion made by Rick Cothorn, and seconded by John Fleming, for Steve Rosso as chair.

Motion made by Steve Rosso, and seconded by John Fleming, for Steve Shapero as vice-chair. Both motions carried, all in favor.

(Minutes were not addressed.)

DISCUSSION ON PLANNERS TOOLBOX

Wally began the discussion. The toolbox for planners was a simple list. He would show slides that illustrated Montana's agriculture and what you could do. He talked about the numbered staff recommendations from Beaverhead County on a handout (see attachments to minutes in the January 2016 meeting file for handout). These included storm drainage and conditions, lien holders on a property with the example of a well with its 100-foot circle affecting the neighbors and that the adopted state and county requirements and standards which apply to a subdivision shall be met. If you had a growth policy that said certain things mattered and were wanted and needed, and if you had the facts to back it up, your list of conditions for Lake County was something the developer had to meet. He gave examples of things that could be addressed. The growth policy was the factual reason why it mattered. What you wanted based on the growth policy was the toolbox. Another [Beaverhead] condition referred to covenants and subdivision regulations, which said the covenants couldn't be changed without Commissioner consent. In that county, the commissioners reserved the right to enforce them. [The Board] could do the condition of approval. This county hadn't done a lot of that in the past. This wasn't on a lot of covenants in Montana and it should be. Specific conditions were unique to each piece of land. He continued through the handout and conditions listed on it and gave examples of problems that the conditions addressed. They needed to build a growth policy that justified the toolbox. If you had the factual reason, it was easy to get the rules. Regarding the items that LaDana emailed the Board members, that was waiver language from Missoula County where it was required on everything, even for school bus stops.

Wally spoke of at least two subdivisions in the county that had a water system for fire protection, which pumped out of a small pond fed by a ditch. Nobody recorded the easement for the irrigation ditch, the requirement for the pump or the requirement for power. The pond was dry and had no pump. It was 5 ½ miles to the nearest water source from those 8 houses. Nobody followed through on the details. He suggested making it a condition of plat approval, file the easements and conditions and put it on the face of the plat. The Board did the work to make it matter in the toolbox. The information in the growth policy would say what mattered. If you

wanted to encourage things, you said why it was important. It was easy to do. It was harder to follow through and get it done.

Rick asked about economy of scale on these subdivisions. Was it prorated at any level as far as the size? Wally replied it wasn't. An SID (Special Improvements District) waiver prorated it as far as size. If you had an SID, you had to assess the money or you paid the fee usually based on your front footage on the [affected] road or whatever it was, and your benefit based on the number of units and so forth. He gave a sewer example with a conservation bonus and what should happen.

Rick pointed out if there were 6 or 8 houses a long ways from something, you expected the services accordingly. Wally said if someone subdivided there, they could say to put in a system to serve the 6 or 8 houses. You could require it as part of the growth policy. They ended up with benefits for doing this. You ended up with little bunches of houses sometimes. The little clusters got you the right services, no expense to others and a lot better environmental product. LaDana added in Rick's area, there was no public system right now. At some point in the future, hopefully they could get something, which was needed to protect the lake. If people waived the right to protest RSID in the future, those people would automatically be part of it down the road. Rick gave the example of an area with a lot of stormwater, like areas in Petroleum County. Wally said there was a huge amount of stormwater in those areas. Petroleum County had a really good right to farm ordinance. [Some counties] had a requirement for an ag plan.

Wally mentioned the multitude of 20-acre sections that came into being in 1994. The Density Map and Regulations (DMR) only regulated new divisions in MT, not existing ones. The existing stuff was exempt as were family transfers. The DMR had no regulations to do the rest of this. This was based on the question of subdivision regulation, reviewing the whole deal and how people got something out of the whole equation.

Wally spoke about Montana Dept. of Transportation (MDT) approaches by Polson's urban sprawl. MDT paid for those. Who should have paid were the guys who made the money subdividing those lots. That could have happened if they had the rules in place. Janet said they met with MDT. They used a scientific method and adopted standards, a committee reviewed new access approaches onto the highway and they tried to consolidate where possible. For the Hwy 93 project, they were able to eliminate almost half of the approaches. Wally said the guys doing the subdivision should have paid the bill. That was part of the evolution of why you had subdivision standards, zoning, etcetera.

Wally touched on the agricultural management plan (AMP) in the handouts with the conditions and continued to talk about the conditions and tools. The sky was the limit in terms of what you wanted to do that was reasonable and related to the project requirements. It was nicer when they were closer to town or services. It was easier to get people to see why they paid to extend the services. Unfortunately the bill for a lot of things had been paid by the taxpayers. The point was why did the public pay the bill when the guy who did the development and the commercial development should have paid the bill? Who created demand? The DMR talked about it very plainly. If you had [development] spread out, it was a lot more important to pay for the cost. Otherwise, cluster it up and get it done. That was why it mattered so much that the stuff that

they were going to do for the DMR should have gotten done for those reasons. Once you had a factual reason why it was important and mattered and why you prevented harm, protected and preserved stuff and somewhat promoted if it was for huge public benefit, those things that you specified in your growth policy were the things you could reasonably and reliably regulate and improve for the better good of everybody and for much less expense to the taxpayer.

The same rule applied to right to farm. Wally liked doing right to farm first for counties because it was a real policy statement about agriculture that said it mattered and acknowledged its importance. A broad policy statement like that was a good example of what the growth policy needed. This Board has taken seriously the question of what they could do and write and how they could make it go. The toolbox was broader. He explained extractions earlier today to the Board of Adjustment because everybody only got their portion to pay on what the benefit was that they got or the risk or the harm that they caused. There had to be a reasonable nexus for an attachment between what was going on and what you were going to extract. The toolkit was basically stuff you could extract. You had no box. You had to have a reason why. You had to have the facts, which was why the growth policy mattered. You had to have the information for it to work and be defensible. You couldn't say it was a reasonable thing if nothing said it was reasonable. You couldn't regulate it or unregulate it unless you had a reason why. Knowledge was power.

John asked if right to farm went into the growth policy. Wally clarified it was a separate ordinance the County did that should make a statement on the face of every plat that the County had a right to farm ordinance. The ordinance was not a regulation but a statement of policy that said this was not a nuisance. The statute called it an ordinance.

Wally showed slides illustrating various concepts of what agriculture, impacts, development and improvements looked like at various times. Some of agri-counter-culture and some of growth policies encouraged diversified, different progressive stuff. He gave examples of tools. If you wanted wildlife-friendly fencing on subdivisions, no lights and building envelopes then do it. If you acknowledged in the growth policy the importance of wildlife corridors and the movement of wildlife, at that point you had a reason to do it. If you hadn't talked about it being important then you couldn't do it.

Wally said his stress point over the DMR was so significant because the purpose of the things they were supposed to do, which he called the 'top 24 list' was to ensure opportunity. If they'd made the arrangements to do those things, they would have provided the opportunity. They fell down on the job to do the work needed to provide the opportunity. Janet asked about changing an existing parcel. She thought things were grandfathered in and you could only work with the new development and new subdivisions. Wally said you adopted the Uniform Building Code (UBC) and required every structure to have a building permit. Janet asked what happened if you didn't have funding to pay for a building inspector to enforce building permits. Wally said it was doable. The real discussion was the issue of opportunity that they were to provide and didn't.

Steve R thought the idea was the developer bought and subdivided and could ask for more money for the land, and took some of those profits to contract the sewer and water. Wasn't that what they were doing now? Wally said that was exactly what they were supposed to do.

Someone who built had to either extend the services or build where the services were and extend them to the buildings. [The County] hadn't done it. They never made a deal with Polson, Ronan, the Tribes or St. Ignatius. Steve R asked if the developer was supposed to make that deal. Rick said the developer had to be compelled. Steve R said the developer was compelled because if he wanted to do a high-density subdivision, that was his choice. Rick said he had to do that but had to mitigate the impacts. He had no problem with that. He still had trouble where you had X amount of land. You tried to do reasonable development. It wasn't going to accommodate the volume of people that wanted to live in this area.

Wally said how you dealt with numbers was a bigger problem. Janet said there were a lot of existing parcels that hadn't been developed. She and John recalled Commissioner Gale Decker saying there were hundreds of existing parcels created that hadn't been built on. LaDana said a lot of these were ones that Wally alluded to that happened in 1993. She pointed to those on Irvine Flats, where the whole area was subdivided into little lots. People weren't aware of that because there wasn't development there right now. Fourth class lands that were state lands with patents on them, typically within 3 miles of existing towns also cropped up. She referred to a question from Janet about the property across from Tribal housing. That was one of those properties, subdivided a long time ago by the patent deed they got. It had never been developed. Those cropped up and were still hanging out there, and represented a lot of lots. Janet said there were a lot of lots already that could accommodate the growth and be purchased.

Steve R thought as the area around the urban area that was designated for higher density development, as that developed you extended those boundaries. You took the next quarter mile around that, for instance, and modified the DMR so that area could then be subdivided into higher density areas. The urban area grew but the center of it stayed in the same place. Bob said it grew in a way that the tax payers didn't get slaughtered. LaDana pointed out the other side. The city folk paid for services and understood that. If the County wanted to bring more into the city, somebody had to pay for that. The developers should be paying but didn't want to put their profits into providing these services. Somebody somewhere had to pay for them. That was why they needed these plans in place and agreements with the cities or water and sewer districts to be able to do that. Bob thought Wally was addressing that. Wally agreed. The growth policy needed to say it was important to do this and to do the homework to get the deals made to get the provisions in place from the units of government that did it. He listed sewer districts, water districts, school districts and so forth as examples.

Janet said the water compact had to be settled at the federal level. Sewer and water districts couldn't exceed a certain amount without having a permit. The state couldn't permit those right now. When the water compact was settled, it would open the doors for additional capacities in some cities. She gave Pablo as an example. The problem was storage of water not the quantity. It was hard to get the money to build the storage tanks. In order to meet the fire flow for commercial development, they still needed more. They had a moratorium on new commercial hookups and so many residential hookups could happen per year. You had to pay the impact fees for those residential hookups. Wally said a simple solution was to contract the fire flow out of a high production well at Mud Creek. Janet said they'd have to talk on the water rights issues. She didn't think it was settled for some of those pivots and wells. She'd rather approach a sewer and water district or municipality that was legally chartered and work with an entity that had to

follow the laws. A private irrigator might not test properly. Wally said you were looking for fire flow. Janet said you then paid for additional piping. Wally said you could fill the trucks at that site rather than pipe it. Janet said the insurance companies weren't insuring new commercial development in Pablo because they didn't have enough fire flow capacity when they hooked up. The people in the community had to pay the extra fees to pay for the additional storage. Wally verified with Janet that this was a sewer and water district. Most were. LaDana noted Arlee was only sewer. Janet said sewer was the greater need and it was a funding issue.

Wally said the developer needed to pay for the infrastructure. Janet said that hadn't happened [in Lake County]. The developers of water systems were small and hadn't been able to build that huge amount of infrastructure. The developer already paid for the extension of water lines. She didn't understand why Wally said they needed to have agreements with the municipalities and sewer and water districts when the developers were already the ones to pay for the infrastructure rather than the districts. Wally said they had no agreement to do it now. That was the problem. Rick thought there was a question of capacity. If the capacity was available and they weren't giving that up to protect the environment, that didn't seem right. Janet said if there was capacity, the hookups were allowed. They wanted as many people as possible within their districts to hook up because they usually had a lot of debt so having more people paying the monthly fee helped offset the debt.

Several people said they understood otherwise. LaDana said what they'd heard was the capacity wasn't there from St. Ignatius, Ronan and Polson. Wally said that St. Ignatius didn't think they had the capacity and the money to extend so they wouldn't let somebody contract to extend it. Why not tell the person who was going to extend the system to build another pool to build capacity? They wouldn't do it. Janet said St. Ignatius just put in a new system on the north side. They were working on the south side and they just got a grant to put in another lagoon so they could expand it on the south side of Mission Creek. Most localities had capacity. LaDana said they didn't always have the infrastructure to go with that. Wally said with regards to the Ronan, St. Ignatius and Polson systems, he talked with the person who ran each system, and each person told him they had no agreements to expand systems or they had no mechanism in place to refund the cost of extending mains to people on part of the rebate program. None of the mechanisms were in place. Janet said that was because you didn't want sprawl to jump. If you were contiguous to a sewer and water district, you could put in the water lines to connect if they had capacity. You didn't have to be reimbursed because you were right there.

Wally said you did have to be reimbursed. He wasn't going to put in an 8-inch line for 10 houses. He would put in a 20-inch line for 100 houses because when he put that much line in, it should fill the next piece of what was out past him, too. When that person developed, they would pay him back for the bigger line he put in to get there. Janet said that was only if the growth area extended beyond where he was putting in his system. She gave examples where development would not extend eastward due to wildlife habitat. It was site-specific. Wally asked where you'd see the growth. Janet replied within the growth areas, a quarter mile outside the existing sewer and water district boundaries. Rick said that wouldn't accommodate the growth. Steve R said when that filled then it would grow to the west side. You'd want to put in the 20-inch line in Wally's example on the west side. Janet said that would be if you expected a lot of growth. Looking at the growth rate of the County for the last 10 years, it wasn't even 1% a

year. In some instances, you'd only need a smaller line. These were smaller communities. Rick referred to the labor and moving the dirt. It was shortsighted not to put in the larger pipe. Bob described an example of unexpected change since the 1970's for what had been a farming village. No one knew what the valley here would look like in 100 years. They needed to try to be as farsighted as they could and try to keep the wildlife habitat, and identify the west side versus the wildlife habitat side of the specific place they were talking about. Janet agreed they needed to accommodate growth and think about putting in the bigger pipe. Maybe those agreements needed to be made for the future over time. It didn't mean they needed to throw out what they'd already done. Wally said they'd had ten years and hadn't done it. Bob said they couldn't blame the tool when people didn't pick it up. Wally said they needed a commitment to use the toolbox. Janet said to keep the DMR part of the toolbox in place and fix what they needed to fix.

Wally said the dilemma with the DMR was it didn't accommodate the tools. The two regulations in it were the conservation bonus and the transfer of development rights. Nothing had been done with the transfer of development rights. LaDana thought there had been 3 or 4 but part of the issue was no tracking system was in place. She thought they got 5 lots out of that. One lot was in the Swan with Plum Creek, who had a bunch of development rights at that point so they could transfer easily. Not a lot of people even asked about those because nobody knew the cost of a development right. Bob referred to McAlpin, who said someone ought to buy his development rights before he died. McAlpin knew what these were and would have had a price in mind. He wasn't the only farmer out there who would know. LaDana replied if you were the average person trying to subdivide, you might not be able to afford a development right and you didn't know where to go to look for one. [Staff] didn't have someone to send them to. Bob said McAlpin was thinking of someone like the Nature Conservancy because of the wildlife potential of his property and he didn't want to see houses there. Wally said that was a good piece of farmland to leave as a farm. John thought McAlpin agreed to do that when they granted the leapfrog development for the houses to the south of Hwy 35. The farm part was on the lakeside.

Janet asked what was wrong with doing a right to farm ordinance and developing the tracking system for transfer of development rights without throwing out the DMR now when this was one of the tools in the toolbox. They could develop the rest of the tools that they needed. Wally said they needed to develop the rest of the tools for sure. They needed to develop the tools that would have made those work. The reality was that until the tools were done, he didn't have a very defensible thing to work with. They had so many lots out there that he hoped no one bought fifty 20-acre lots on Irvine Flats to build houses. Janet said it depended on whether they could get the water. An area by Elmo was subdivided and couldn't get a water source. It wasn't part of the master plan for the Elmo water system. It came in after the fact and they didn't have the capacity. Why did they approve a subdivision before they knew if there was enough water to serve the subdivision? It was a chicken and egg situation. DEQ reviewed it afterwards. John said it didn't become a subdivision until DEQ okayed it. LaDana reminded that the developer was looking into those things if he was doing the job he should be doing.

John didn't see that the people in the room disagreed about things. They just didn't know how to get there. There was something in the background where someone wanted to get rid of the DRM. They would hit that and stop. Wally's impression of the Commissioner concern was did

it get done. The undercurrent was about whether [the DRM] had done what people said they wanted it for. Nobody followed through with much of what was supposed to be done to get there. The push over the growth policy was [because] it was supposed to be updated and wasn't and they had to have a whole different tool box. [The growth policy] was your definition of the tool box you wanted to build. A growth policy could include things in a statutory list plus those things that the governing body thought were important. If as a Planning Board, they said this is an important thing and the Commissioners agreed, they could do what they'd like to do as long as they had a factual reason. John checked that they should just keep going and do the right to farm and other things that need to be done. If they needed to make changes in the DMR, they would do that too. They'd give that package to the Commissioners who would either buy it or not. Wally said they'd get on with their list and the growth policy. John said something was out there stopping them.

LaDana described the typical call she got about cutting off the corner of the property to sell to avoid foreclosure when things had crashed. In the last year, the number of subdivision preapplications was on the order of six. The biggest thing they'd seen was the Conrad Estates project in Pablo through Carstens to redesign into a phased subdivision because they couldn't make it pencil out. There wasn't water or sewer capacity in Pablo so there were other issues out there that played into that. Most of the calls they got were about rentals. That was a type of regulation that the state required that they have in 2013 and hadn't yet been adopted. This was something [the Board] needed to address. It was more of a concern and the DMR didn't address that. The DRM applied to the creation of parcels only. If someone asked about rentals, what stopped the number of rentals was more along the lines of what could be put on the well or septic system. Bob thought the cost of a septic system knocked out the attempt to build a rental. LaDana said it wasn't just rentals. There were units for family members. Those were the kind of calls the Planning staff received.

John thought the Board was capable of doing whatever [the County] needed them to do. He'd been on the Board for a lot of years and this was the most competent Board he'd seen. When they found out what [the County] needed, the Board wanted to make sure they had that. LaDana said they were trying to educate the Board on the tools they needed to get to that point. She understood that John was looking for the smoking gun of why the DMR had to go away. It wasn't one thing. There were a million things out there. Wally said he wasn't happy to see a list of what they said they'd do ten years ago that wasn't done. The Board had a job to do. For ten years, a lot of people got by without saying 'we said we'd do this; let's do this'. No one told the Planning Board and some other people that they were supposed to do this. People dropped the ball. He didn't care who dropped it. The frustrating part was they had a list of stuff they needed to get done. He was with them: bring it on and get on with the list.

CONTINUING DISCUSSION ON RIGHT TO FARM (approx. 9:07 pm)

Wally moved into the Right to Farm discussion. He received comments and questions from Board members. Lake County had an incredible number of herd districts. If you were a free range or open range state, the rule was 'fence them out' except stud horses, which had to be fenced in. If you were in a herd district, that changed. Citizens could do a petition and you had to fence your animals in. Lake County had 6 herd districts. He described where they were. This was an open range state and an open range county except where you had the herd districts with

different obligations. He thought that they should add that as a separate paragraph in the right to farm draft to say that very plainly so people knew. It included not just cows but pigs, horses, goats and sheep and the rest.

The other question was encouraging alternate agriculture or historic agriculture, which were the same thing. Examples were cherry orchards, onions, Dixon melons, organic, non-GMO, certified natural or certified whatever you wanted. Wildlife-friendly lambs were a really big deal now. They were worth something like \$2 per pound more to sell in NY City if they were certified wildlife-friendly. There was a reason to add a better paragraph to the Right to Farm drafts about why alternate agriculture was wanted and why it was important to the county. They would add this to what they had on the climate and the soil type and the rest. Both of these should be added. He pointed to the classic case of the Dixon melons for how you could do it. The same was true with Flathead cherries. The issue was micro-agriculture. But it wasn't micro-agriculture; it was what people preferred to buy. The more they could encourage with Right to Farm, the better they would do.

Wally said the growth policy should also acknowledge the importance of that stuff. That was the purpose of the growth policy. He pointed to the Farmers Market in Missoula. The demand was there. They just didn't see it coming. Now [Lake County] saw it coming and they had a chance to put in the policy and regulations and get it right.

Bob asked if it was up to the Board to ask the attorney, Wally, to write up some language that would protect the small producers (non-GMO or organic or whatever you wanted to call them) and the people who were similar that they might have to identify and not leave out or should they make it general enough that people would know what they meant so it would still apply to some new thing they hadn't hear about. Wally said he would help them do that. They needed to do both. [The Board members] knew what was out there, what was where, how to ask the questions and what mattered. If they asked the questions and said these were issues and ideas, they were supposed to make some language that was good and Wally was supposed to make it defensible. They needed to also come up on their own with the reasons that went in the growth policy about why this mattered. It was important to have beautiful cherry flowers blooming every spring on the lake. It was important that they had local produce at the Polson and Ronan Farmers Markets every week. It supported local agriculture and local production.

Wally described that Sigurd moved his haying equipment from Polson back to Elmo. People should expect a 14-foot wide swather on the road. They didn't want to discourage Sigurd from cutting that hay. It was fire protection, good grass management, good habitat for all sorts of stuff and it knocked the grass seed off. There was reason to encourage it but you also had to get people to quitting flipping him off when they drove by the 14-foot swather that they hated being there. It wasn't just the new guys; it was also the old guys. They had to look after all of them. If you brought it up and said it, they needed to hear it plugged in the growth policy and plugged into the language of how they wrote Right to Farm.

John pointed to the last sentence of 1.a in the draft Wheatland version. He didn't think that should be there. It wasn't in Lincoln. Wally said it was in there because people who moved here

from other places didn't get it. He gave an example of clean cowboy boots that had been labeled 'fairy boots' versus cowboy boots carrying appended natural fertilizer. People here 'got it'.

Wally pointed to Bob's comment about not being aware of GMO some years ago. Bob reiterated his earlier point that something new might come up that they didn't know about. They also wanted general language. When would they do that? Wally said they needed to acknowledge that agriculture was changing. At the same time, they needed to acknowledge they were trying to preserve and prevent harm to their existing economy and existing agriculture, and promote alternate agriculture, projects and growth. He gave examples. A biodiesel guy in Whitefish raised algae at his farm for biodiesel. Someone in Bigfork raised shrimp. That was a different way to look at it. They needed to make it so it preserved, prevented, promoted and protected.

Steve R asked about the next step of the draft. LaDana mentioned that for the Board's submitted comments, she got one set of comments from Steve R. Staff would like the Board's ideas rather than the Planning staff writing the document. The Board could give staff the ideas and staff would help them write it. Steve R said this was a new concept. It would take them a while to get used to this. It might be slow. Wally said it was a great change. Bob said there was a whole lot of stuff that no one on the Board knew. They had to have input from other people too. They were going to lean on Wally since it sounded like he'd been around the state. They were willing to do what they could but they weren't experts. Wally said that was okay.

Rick referred to grassroots input. He thought they were going to do some concept about a soup night or something like that. LaDana said they weren't to that point yet. Rick said as far as the input only one of the five people he talked with had produced a document. Wally said good job. John echoed Rick's comment. LaDana emphasized that she needed their names. What she ran into was that everybody wanted to do the same topics. If they had 20 people doing the same topics, how was that going to work? John referred to topics like growth of non-native people or the size of Ronan and its growth. That was something that staff had to do. [The volunteers] should just pick a section and read it? Rick mentioned eating an elephant all at one time. They needed to focus on one thing. LaDana said to find out what the volunteers would like to do, and then she could figure out where they still had holes that needed people. The biggest thing was they needed to find more people. Janet suggested that LaDana could email them to tell them who was signed up for what. LaDana said some of the names came in within the last week and she hadn't had a chance to look at that to see how many holes were left. She needed some time to do that and to look at the list. Janet offered to describe the groups of volunteers she'd found. She didn't know what the others were doing and felt like she was spinning her wheels. LaDana was concerned a lot of other people were interested in those groups. She wanted time to look at the list and see what they had left.

Steve R said they had steps and they were still on the first one of recruiting people to work on the growth policy and get their contact information and names to LaDana. LaDana confirmed. They weren't working on the plan yet. Then LaDana would organize some sort of meeting with these different groups of people that wanted to work on a particular section. That was when they started actually making comments and changes and editing the plan, but not until they got organized with who was going to work on that [topic].

Rick said the only fly in that ointment was so many people wanted certain juicy topics. Once they had these volunteers on board to help, they might have to channel some of them onto different topics. LaDana agreed. Steve R said right now they were trying to get the names. People were anxious to start writing up pages and chapters. You needed to warn them that there were other people that wanted to be involved on a certain chapter or section. They should wait until everyone involved with that chapter could get together, meet each other and talk about who was going to do what and what they wanted to do.

Bob didn't think it was bad for people to go off on their own if they had the capability to do what Wally asked them to do. Then there would be perhaps 3 or 4 products on the same subject but they'd be in writing and much more easily discussed and compromises could be made. Steve R thought that was fine but they should know ahead of time that there might be somebody else who wanted input on that chapter too. They shouldn't assume that they were the [only] ones. Bob gave snowmobiles as an example. Some people loved them and some people hated them. You could expect if you hated them, there would be somebody who loved them on the same committee. You would do the best you could to defend your position and then see what happened. Steve R was concerned that some recruits thought they would be writing the chapter and would find out later than somebody else wrote a chapter too, and they might not agree. They might be discouraged because the wheel was being reinvented, and they thought they were the one to do it. He didn't want them to be discouraged. LaDana agreed. This was her concern. Janet mentioned there were 34 sections. LaDana reiterated that she wanted the time to put together a list. John thought getting the different points of view might be good. Bob thought you might get a compromise out of it that made sense to both parties. Wally said you'd also learn what you had and what you had not. Multiple drafts were good because you learned what you had and what you hadn't. It told you a lot.

Wally returned to a question, which Rick restated. What was the case law at this point as far as GMO's being regulated? If someone who wanted GMO's had 100 acres, what happened? Wally described the case law. Dow won the first decision against a farmer who ended up with GMO growing in his certified organic non-GMO crop. The farmer had purchased certified seed. Was it contaminated? Dow ended up paying him and settling it quietly. The real remedy came later when Japan banned 11 million tons of US grain when GMO showed up in it. What made the decision on this would not be the court but the international grain market. Steve R said there was an entropy problem in that 100 years, everything would have some evidence of GMO.

Wally said they acknowledged the importance of some people being organic. He gave examples of damage to other crops from overspray or spray in improper conditions. Part of right to farm was a commitment to education. It was the first time that the County was committed to acknowledge it. Steve R said much of this focused on the relationship between agricultural producers and non-agricultural producers. He tried to add the relationship between farmers, for instance between organic and non-organic farmers. He didn't know how detailed to get. One of the solutions would be buffers. Would you be that specific? Wally thought he would as examples. The group touched further on the scope of people who would be affected by overspray, different types of overspray, different methods of spraying and alternative practices. Steve S confirmed with Wally that there were state laws to help regulate some of that, including overspray. Wally said right to farm wasn't a law but a responsibility statement. He noted

buffers would have made micro-agriculture a lot more viable for a ton of people in some situations. Steve S asked about enforcement mechanism for these kinds of rules, regulations or standard practices. Wally said part of the beauty of right to farm was it said what it encouraged was not a nuisance. Activities that were detrimental to agriculture and non-agriculture neighbors were a nuisance in the County. Sigurd said you also had to look at what the buffer would be, if you were going to have buffers. Steve R said the size of the buffer might depend on how the application was done. Spraying from an airplane would need a much bigger buffer than walking with a hand sprayer.

Steve R wanted to include that respect went two ways. There might be a nuisance the farmer might cause. For instance, although it wasn't a nuisance to run a swather on the highway, it was a nuisance to run it at rush hour. Wally agreed that was part of the education. Bob thought the police would say that aside from domestic disputes, neighbor disputes were endemic everywhere. They should keep that in mind in drafting language for this.

Janet asked about the discussion on buildings for lease or rent regulations. LaDana said they weren't going to have much of a discussion but just put that out as a tool they needed to begin moving forward on. Steve R said they also didn't talk about the November minutes. Those could happen at the next meeting.

LaDana handed out a color chart. The things they've been talking about in the last months were on the chart. Staff tried to come up with a way to help the Board understand what they were trying to get at. She pointed out the four P's that Wally talked about at the top of the chart and the C's were at the bottom. The outer edges showed items that the regulations and policies usually tried to cover. Those were the things worked into state law that you were allowed to do. The growth policy was in the center. Things around the growth policy came out of the growth policy. The various regulations were at the edges of that. Hopefully it would help in understanding where this was going and how it tied together. Other things could be put there and the Board hopefully would come up with other things. This was a start of some of those ideas.

Having done this for a long time, Wally said he told them to put a copyright on there because he'd never seen a better schematic for a lot of the parts of the puzzle. 'Coordinate, cooperate and collaborate' were the federal terms for how you did federal planning and what you did with local governments and the feds. At the top, 'promote, protect, preserve, prevent' were the words that mattered. The rest were a myriad of toolboxes, conversations, comments and the whole deal. It was a really good discussion. There was one empty block on the lower left. The Board probably had ideas that could go in that box. The other thing to think about for the next meeting was that for a lot of people, this was the maiden run of how you make a growth policy in a different way. This was the first real run with an organized Planning Board that was really capable. He had yet to get a comment out of them that he hadn't taken to heed. They had no bad comments. Their comments had been plugged in and on the ball. Rick checked that there were no restrictions on them meeting with their helpers or ex parte concerns. Wally said there were no concerns. This Board was not the entity that made the final decision. The regulatory body was the County Commissioners. He thought LaDana and Jacob did an incredible job on the chart.

OTHER BUSINESS (9:50 pm)

Lita mentioned in addition to name and contact information, the email and topic also helped for growth policy volunteers. LaDana mentioned the Commissioners had yet to select new members for open Planning Board positions with a closing date of Jan.22 if they knew interested parties.

Meeting adjourned at 9:52 pm by Steve Rosso and general acclaim.